IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2489 OF 2004

Maxie J. Cabral .. Petitioner
V/s.
Municipal Corporation of Greater
Mumbai & Ors. .. Respondents

Mr. Shyam Diwan with Mr. Prashant Bhagavari i/b. M/s. T. Madgavkar for the Petitioner
Ms. A.Y. Sanglikar for the Respondent-BMC.
Mr. D.H. Mehta i/b. Mr. Y.R. Shah for the Respondent No.4
Mr. Milind More, AGP. for the Respondent No. 5.

CORAM : F.I. REBELLO &
S.P. KUKDAY, JJ.
DATED : 14.03.2005

P.C.:-

1. Petitioner has filed a Suit in this Court, being regular Suit No. 100 of 2004, which is pending. The Petitioner had also taken out Motion for interim reliefs.

2. In the present Petition, the Petitioner seeks to challenge the permissions granted by the Respondent No. 1 for constructing the building. Considering the nature of relief, it would be open to the Petitioner, if so advised, to seek the reliefs sought in the Petition in the Suit, which is pending, by amending the Plaint, if the relief has not presently been prayed for.

3. With the above, the Petition stands disposed of, no order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)